

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNIVERSAL TRADING & INVESTMENT
CO.,

Plaintiff

v.

PETRO MIKOLAYEVICH KIRITCHENKO,
et al.,

Defendants.

No. C-99-3073 MMC

**ORDER VACATING HEARING ON
(1) PLAINTIFF'S MOTION TO STRIKE
PLEADINGS AND ENTER DEFAULT
AGAINST DUGSBERY, INC. AND
(2) PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT AGAINST
DUGSBERY, INC.**

(Docket No. 883, 884)

Before the Court is plaintiff Universal Trading & Investment Co.'s ("UTI") motion to strike pleadings and enter default against Dugsbery, Inc. ("Dugsbery"), as well as UTI's motion for summary judgment against Dugsbery, each of which motions was filed December 16, 2005 and noticed for hearing January 20, 2006. On December 30, 2005, Dugsbery filed a request for a continuance on the grounds that defendants' motion for summary judgment on the issue of UTI's standing, which is currently noticed for hearing January 27, 2006,¹ will likely be dispositive of UTI's motions against Dugsbery. Additionally, Dugsbery argues that the issues of tracing and forfeiture raised in UTI's summary judgment motion against Dugsbery also are pending before the Honorable Martin Jenkins in U.S. v. Lazarenko, CR-00-0284 MJJ, and will be determined by him at the

¹ The Court notes that UTI recently filed a motion to continue the January 27, 2006 hearing on defendants' motion for summary judgment to February 10, 2006.

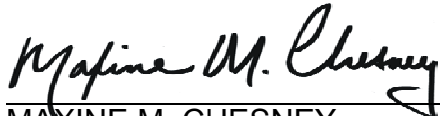
1 Lazarenko sentencing, which is currently scheduled for March 3, 2006.

2 The Court agrees that, as a matter of judicial economy, it should not hear the instant
3 motions until after it rules on defendants' pending motion for summary judgment on the
4 issue of UTI's standing. The Court does not reach Dugsbery's other arguments at this
5 time.

6 Accordingly, the January 20, 2006 hearing on UTI's motions to strike Dugsbery's
7 pleadings and for summary judgment against Dugsbery is hereby VACATED. The Court
8 will set a new hearing date, if necessary, after it rules on defendants' motion for summary
9 judgment on the issue of standing.

10 **IT IS SO ORDERED.**

11 Dated: January 9, 2006

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13 MAXINE M. CHESNEY
14 United States District Judge
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